

PATENT
Application No. 09/967,171
Attorney Docket No. 353190-991100

REMARKS

The Examiner rejected claims 1-35 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 5,987,429 of Maritzen *et al.* ("Maritzen"). The Examiner rejected claims 36-43 under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,873,969 of Stone *et al.* ("Stone"). For the following reasons, Applicants assert that the all of claims 1-43 are allowable over the cited art.

With regard to Maritzen, the relevant claims have been amended to even further clarify the novel and distinguishing features of the present invention. Independent claims 1, 12 and 25 recite unique features of the present invention that are not disclosed nor contemplated by Maritzen. Inter alia, claim 1 recites "wherein said shipping logistics include automated variation of delivery options as a function of a time period associated with said goods and a geography-based consideration," claim 12 recites "wherein shipping options are automatically provided as a function of shipping logistics associated with said certain goods," and claim 25 recites "wherein said logistics are provided to said seller and said buyer via an automated system wherein identities of said seller and said buyer are maintained confidential from one another." As set forth in the pending application, the various automated logistics or functionality disclosed allow for optimal processing, financial and/or shipping features previously unavailable in the art. (See e.g., Published Application, paragraphs 0008-0015).

Maritzen does not teach providing the logistics or the functionality associated with the sale of goods, as recited in the claims. Rather, Maritzen relates to a method and apparatus for "tracking, calculating and electronically paying taxes, royalties and other fees associated with transactions in electronic commerce systems." (Maritzen, col. 1, lines 8-10). Maritzen simply discloses fee processing systems comprised of a fee (i.e., tax fee) event database, fee rules and objects, as well as various fee summing features related thereto. Basic calculations and, in some embodiments, payment of fees are the only features to which Maritzen is directed. As such, Maritzen fails to teach any functionality related to *shipping* logistics, such as those set forth in the recitations of claims 1 and 12. Furthermore, Maritzen also fails to contain any disclosure related to the double-blind relationship of the seller and the buyer (e.g., "without ... interaction," "confidential," etc.) as recited in claim 25.

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Based at least upon Maritzen's failure to disclose or suggest at least shipping logistics or double-blind features, Maritzen cannot anticipate the inventions of independent claims 1, 12 and 25. Likewise, for at least these reasons, Maritzen cannot anticipate any of claims 2-11, 13-24 and 26-35, which directly or indirectly depend from claims 1, 12 and 25, respectively.

With regard to Stone, generally, Applicants encounter confusion with regard to the citation of "column 5 lines 13-67 and column 13 lines 65-67 and column 16-47 lines 1-67 and column 69 lines 30-63" against each and every feature of claims 36-43. In the event the Office disagrees with the remarks below, Applicants respectfully request citation of specific portions of Stone against each feature/claim in a subsequent, non-final Office action so that clear issues may be developed for the record.

With regard to the rejections over Stone, Applicants submit that independent claim 36 and amended (now-independent) claim 40 are readily distinguishable from Stone. Accordingly, for the reasons set forth below, Applicants respectfully submit that the rejections be withdrawn because Stone fails to disclose all of the elements of Applicants' claimed inventions.

Particularly, Stone fails to teach or suggest the unique "courier" arrangement and season ticket package features of the claimed inventions. Applicant describes aspects of these features in the application and explains how this functionality simplifies the procedures for processing and/or shipping sophisticated ticket sale offerings. (See, e.g., Figs. 16-19, and Detailed Description, paragraphs 0058 and 0063-0076.) As set forth in the claimed invention, the approach of claim 36 includes "arranging for a courier to receive said at least one event ticket from said seller and deliver said at least one event ticket to said buyer, according to said selected shipping option," and the approach of claim 40 includes "providing an interactive page on said Web site which automatically displays all events remaining in said season ticket package to said seller."

With regard to shipping, Stone discloses "Network ID" (electronic or virtual) delivery functionality that is specifically distinguished from "physical delivery" options such as those recited in claim 36. (See, e.g., col. 6, line 65 – col. 7, line 53.) Similarly, Stone makes no mention or disclosure whatsoever of interactive web pages for season tickets. Therefore, based at least upon Stone's failure to teach or suggest at least

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these limitations, Stone cannot anticipate the inventions of independent claims 36 and 40. Likewise, for at least these reasons, Stone cannot anticipate any of claims 37-39 and 41-43, which directly or indirectly depend from claim 36. The Examiner's withdrawal of the rejections is respectfully requested.

CONCLUSION

For all of these reasons, Applicants respectfully assert that all pending claims 1-43 are in condition for allowance. The Examiner's early reconsideration is respectfully requested. If the Examiner has any questions, the Examiner is invited to contact Applicant's attorney at the following address or telephone number:

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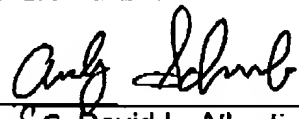
The Commissioner is hereby authorized to charge any fees or deficiencies in fees and credit any overpayment of fees to **Deposit Account No. 07-1896**, and reference Attorney Docket No. 353190-991100.

Respectfully submitted,

DLA PIPER US LLP

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